

**Minutes
State Board of Education
Monday, January 26, 2004**

The Arizona State Board of Education held its monthly meeting at the Arizona Department of Education, 1535 West Jefferson, Phoenix, AZ 85007. The meeting was called to order at 9:05AM.

Members Present

Ms. Nadine Mathis-Basha, President
Dr. Matthew Diethelm, Vice President
Ms. Armida Bittner
Ms. Joanne Hilde
Ms. Evangelina "Conkie" Hoover
Superintendent Tom Horne
Ms. Joanne Kramer
Dr. John Pedicone

Member Absent

Dr. Michael Crow

Board Business

Pledge of Allegiance, moment of silence and roll call.

Minutes for State Board of Education meeting November 17, 2003.

Motion by Dr. Pedicone to approve minutes as submitted, and seconded by Dr. Diethelm. *Motion passes.*

President's Report

Ms. Basha acknowledged the two individuals in our state who received the Milken Award for Excellence in Teaching: Patricia Wang, Kayenta Middle School and Cheryl Castro, Catalina Foothills High School. Ms. Wang is our first Native American teacher to receive this award. Ms. Basha was privileged to represent the Governor's office at the National Governor's Association Forum on Quality Preschool, which continues to be a big issue with Governors and Superintendents of Public Instruction. It is good to see the momentum and blending of efforts to make this a good system for young children.

The National Association of School Boards of Education (NASBE) is holding a conference on migrant education issues February 24, and 25, 2004. Hopefully at least one member will be available to attend.

Ms. Basha expressed thanks to Dr. Diethelm on behalf of the entire membership of the State Board of Education for hosting the retreat on January 19, 2004. The retreat was helpful in setting the Board's agenda for the year.

At 9:09AM President Basha skipped to Agenda Item 5 allowing Governor Napolitano to address the State Board.

Special Address to the Board by Governor Janet Napolitano

Governor Janet Napolitano stated that education ought to be the number one priority in our State until we are satisfied that we have done everything humanly possible to raise the level of student achievement in Arizona's schools, which is how we measure our success. She presented the education-related issues that have been presented to the Legislature:

- Early childhood education
 - Childcare waiting list reduction
- All day kindergarten, statewide voluntary option
 - Five-year phase-in
 - This year funding all-day K to all schools where 90% or more of students qualify for federal free- or reduced-lunch program
 - Year two expand to all schools where 85% or more of students qualify for federal free- or reduced-lunch program
 - After years one and two, develop a formula for years three, four, and five that will provide a uniform distribution to the rest of the state
 - Appropriate classroom space and appropriately trained kindergarten teachers
- Classroom teachers
 - State Board of Education should look at endorsements and certifications, particularly addressing middle school literacy
 - Master Teacher Scholarship Fund seeded with \$250,000 from an available fund as well as private donations to be solicited
 - State Board of Education should hold a public forum regarding how the Master Teacher program would work, how a teacher could apply, how it would be awarded, etc.

The Governor also raised an issue of concern regarding the start date of the school year. She stated that uniformity in the state would be a big help to working parents in Arizona. Superintendent Horne responded in support of the Governor's proposals 100% as stated in her "State of the State" address. Mr. Horne also expressed thanks to the Governor for the cooperative working relationship they maintain.

The Governor asked Board members for questions or comments.

Dr. Diethelm spoke about the recent NASBE conference he attended entitled "Closing the Achievement Gap" which outlined issues that affect teaching and learning. One conclusion is that the preparation programs are viewed as inadequate and that teaching and leadership are factors. Many states reported that with a uniform across-the-state program of training teachers to teach to the state standards, the mobility issues can be addressed still providing a standard level of coverage of a subject area. Arizona is behind many other states and needs to move up relative to the national and international trend.

Ms. Hilde stated it was wonderful to have a Governor who cares as much as educators care. In addition, the partnerships at the top level will move this agenda in ways it has never been able to move before.

Ms. Bittner assured the Governor that she could count on the support of the County School Superintendents.

Dr. Pedicone thanked the Governor for producing well-thought-out plans regarding the Early Childhood program and stated that superintendents appreciate the level of implementation detail provided.

The Governor reminded members that the watchwords are determination and patience. She also stated that the School Readiness Board met with her last week where they made ten major recommendations regarding pre- first grade preparation and the Governor gave them a detailed plan as to what happens administratively through the Executive Branch, budget requests to the Legislature, and what will require Legislative cooperation. The Governor's plan can be made available to the State Board of Education members if so desired.

Ms. Hoover thanked the Governor, on behalf of the State Board as well as the small and rural communities of the state, for sharing the concerns regarding education in Arizona and the alarming statistics regarding the Native American population.

Ms. Basha expressed commitment on behalf of the State Board of Education to continue to work with the Governor and the Superintendent and an appreciation for the fact that the Governor and Superintendent of Public Instruction work well together.

After the Governor's address, the meeting returned to the original Agenda.

President's Report (continued)

Arizona Education Association (AEA) is having their annual event that honors the 2003 National Board Certified Teachers on March 5. If members can attend it is for a great cause to honor our teachers.

Superintendent's Report

Mr. Horne participated in the Milken Teacher awards in Tucson and Kayenta. The recipient in Kayenta is the first Native American to receive this award in Arizona.

Mr. Horne introduced the new Associate Superintendents in the Department of Education:

- Dr. Donna Lewis, Associate Superintendent for Testing, Research and Accountability
- Dr. Karen Butterfield, Deputy Associate Superintendent for Innovative and Exemplary Programs including Dropout Prevention, Native American Issues and the Arts

Board Member Reports

Dr. Diethelm summarized the NASBE conference regarding "Closing The Achievement Gap" and told members there are two more meetings on this subject he will attend. The final report from this research group will be available in October. Two points of interest were:

- Things other states are doing in improving underperforming schools, and
- Status of the NAEP test. The NAEP test is becoming the "gold standard" in several places. Representatives from Ohio and Colorado stated that they have reviewed their standards relative to the NAEP methodology and decided their standards were aligned but their assessment methodology needed changes.

Dr. Diethelm also urged members to attend the upcoming NASBE meeting regarding rural and migrant education if possible.

Ms. Hilde expressed appreciation to Lela Alston Elementary School, where she observed their immersion plan, and Camelview Elementary School, as she looked at the afternoon session of their all-day kindergarten class.

Ms. Hoover and Ms. Kramer attended the PPAC training class and found it to be insightful, and a rewarding training time as they learned to appreciate the work of the committee.

Director's Report

Ms. Farley introduced framework principles that will allow her to operate at the Legislature in the absence of Board positions on bills and to establish that our Legislative agenda will primarily consist of issues directly affecting this Board or its policies and global education priorities. Ms. Farley also provided a summary of a majority of the education bills that have been introduced to date. This will be updated periodically with a current bill status report.

Dr. Pedicone reiterated that there are many bills that relate to education and the issues have a big impact on education in the state and he appreciates the updates.

Ms. Farley added that some of the items have recommended Board positions, but the Board should limit action on the majority, as there are many Board responsibilities to be addressed in addition to

the tasks the Governor has charged the Board with today.

Ms. Farley also addressed the issue of the Career and Technical Education in terms of what we require for high school graduation and what the Arizona Board of Regents and our public institutions acknowledge as requirements for college entrance. Current requirements for high school graduation at the state level are 20 credit hours. Included in those credits are several specific education courses, one of which is one credit of either fine arts or career and technical education. For college entrance there are separate requirements, which include a lot of the high school graduation requirements and go above what we require in math, science, history, and then included in the college entrance requirements is one credit of fine arts. The questions are:

- How to receive core academic credit at the high school level for CTE classes, and
- Whether to change the college entrance requirements.

This is an information item as well as to ask if the Board has an interest in weighing in with the Arizona Board of Regents to request they give full consideration to adopting like flexibility for college entrance as we have for high school graduation with regard to fine arts and CTE.

Further discussion and input from Board members indicated a need for a correlation between the high school graduation requirements and college entrance requirements, voicing their support for the Career and Technical Programs and observing that some fine arts coursework could be defined as Career and/or Technical education as well. Superintendent Horne stated that the Deputy Assistant for Career and Technical Education has been meeting with the Fine Arts Coordinator to try to find common ground on this issue. Mr. Horne's concern is that the fine arts programs do not get cut from schools' curriculum programs. Ms. Farley will draft a letter to the Board of Regents offering assistance and input for the Board's review at the next meeting.

At 9:50AM the State Board of Education convened as The State Board For Career and Technical Education

A. Consent Item

1. Consideration to Approve Contract Abstracts

Motion by Ms. Hilde to approve the consent agenda as submitted. Seconded by Dr. Diethelm.
Motion passes.

At 9:53AM Ms. Kramer made the motion to adjourn as the State Board For Career and Technical Education and to re-convene as the State Board of Education. Seconded by Dr. Pedicone. Motion passes.

4. Consent Items

A. Consideration to Approve Contract Abstracts

B. Consideration to Appoint a Replacement to the Career Ladder Advisory Committee.

C. Consideration to Appoint a Replacement to the Career and Technical Education Advisory Committee.

D. Consideration to Appoint a Replacement to the Special Education Advisory Panel.

E. Consideration to Approve Allowing Kayenta Unified School District to Increase the Unrestricted Capital Section of Their Budget for Fiscal Year 2003-2004.

F. Consideration to Approve Participation, Provide Conditional Approval and Approve Denials for School Districts Currently Participating in the Career Ladder Program to Participate Again in FY 2005.

G. Consideration to Approve Board Policies and Procedures Regarding Board Meeting Schedule, Procedures for Agenda Setting and Policy Adoptions, Communications with the Board and Election of Officers.

H. Consideration to Approve Board Meeting Schedule for 2004, Including Possible

Dates for Study Sessions.

- I. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Approve Certification for the Following Individuals:
 1. Ms. Marchelle Dickey, Case #C-2003-073R
 2. Mr. Charles Barbee, Case #C-2003-076R
- J. Consideration to Accept the Voluntary Surrender of the Following Certification Cases:
 1. Mr. Darren Rago, Case #C-2001-128
 2. Mr. James T. Brooks, Case #C-2003-51

Motion by Ms. Hilde to approve the consent items as submitted. Seconded by Ms. Bittner. *Motion passes.*

5. Review of the Governor's State of the State Speech and Education Priority Areas.

Ms. Becky Hill briefly reiterated the Governor's vision regarding the professional development items and early childhood education agenda. Two additional items brought to the Board's attention were:

- Community colleges and universities should be at the table during the full discussions regarding the Master Teacher program, endorsements, and certification; and
- the Governor has asked Ms. Hilde to chair an efficient working group to compile best practices model programs, research, and curriculum models for schools in districts that are undertaking the full-day kindergarten program for the first time. This information could be housed anywhere that it can be easily accessed by schools to properly implement full-day kindergarten.

6. CALL TO THE PUBLIC

No requests were submitted.

7. GENERAL SESSION

- A. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Deny Certification for the Following Individual:

1. Mr. Roger McGinnis, Case #C-03-065R

Mr. Yanez read the background information provided to the Board and asked that the Board accept the recommendation of the PPAC and deny Roger McGinnis's application for certification. Mr. Yanez stated that Mr. McGinnis has requested to withdraw his application, but the Investigations Unit recommends proceeding with Board action. Dr. Pedicone requested clarification as to the reason for requesting a denial, and Mr. Yanez explained that it is to prevent an applicant from re-applying at a later time with no record of a formal action having been previously taken on their application. This action will provide a record of such action when an individual applies for a Charter School position, out of state licensure or any other certification or employment.

Motion by Dr. Pedicone that the Board accept the recommendation of the PPAC and deny Roger McGinnis's application for certification. Seconded by Dr. Diethelm. *Motion passes.*

2. Mr. Joseph Richardson, Case #C-2003-075R

Mr. Yanez read the background information provided to the Board and asked that the Board accept the recommendation of the Professional Practices Advisory Committee and deny Joseph Richardson's application for certification.

Mr. Richardson addressed the Board stating that he has been an exemplary teacher for over 16 years, had some personal problems, and accessed pornographic sites on the school computer. In response to the points made by the PPAC, Mr. Richardson stated that he has

had counseling over the last two years, has been teaching for the last three months in a charter school from which a letter was submitted stating that he has had no problems there. Mr. Richardson also stated that the classroom he used to access pornographic sites was completely enclosed with a locked door, the students were not allowed to use the computer, nothing was printed from the computer, and he erased all surfing trails. Mr. Richardson stated that since the students had no access to the computer or sites, the statement about his disregard for students was false. Mr. Richardson admitted that he made a mistake, is sorry, has not returned to that behavior and asked for a second chance.

Discussion ensued as to when the PPAC received the above-mentioned letter and whether the decision by the PPAC would have been different with those documents in hand. Mr. Yanez stated that the case was discussed thoroughly, the additional material would have been weighed, that the PPAC takes a very hard line whenever there is pornography accessed at school, and that the decision was a unanimous vote at that time. Further discussion ensued regarding whether the matter should be remanded back to the PPAC for further discussion or whether this action would change the initial decision.

Motion by Ms. Hoover to approve the recommendation of the Professional Practices Advisory Committee and deny Joseph Richardson's application for certification. Seconded by Dr. Pedicone. *Motion passes.*

Ms. Farley stated that upon the decision to deny, any individual is allowed a full hearing if an appeal is requested.

- B. Review and Update of Certification Case #C-2002-092, Regarding Jennifer Jeong and Possible Consideration for Action Regarding Review of her Application for Certification, and the Proposed Settlement Agreement. Pursuant to A.R.S. §38-431.03(A) (3) and (4), the Board may vote to go into Executive Session for consultation and legal advice and/or for instructing the Board's attorneys regarding the Board's position in connection with this issue.

Ms. Basha stated that Ms. Jeong has submitted a request to postpone in order to retain legal counsel. Ms. Hoover asked for clarification regarding the previous Board discussion to grant or deny certification and asked for the Board's options. Ms. Farley clarified that the agenda was posted prior to the receipt of this request, and all options are available to the Board today, however, staff and legal counsel recommend postponement. Further, if a postponement is granted to allow Ms. Jeong opportunity to secure legal counsel, Ms. Jeong's case will be on the February 2004 agenda.

Motion to deny certification made by Ms. Hoover. No second, so motion died.

Superintendent Horne reminded members that legally it could create more problems if the Board does not allow the individual time to obtain legal counsel.

Motion to accept the recommendation to postpone until February to allow Ms. Jeong time to obtain legal counsel by Dr. Pedicone. Seconded by Ms. Hilde. *Motion passes*

Ms. Hoover clarified that had the Board voted to deny, the appeal process is still available.

- C. Presentation and Discussion of the State Trust Lands Proposed Legislation.

Ms. Penny Kotterman, President, Arizona Education Association, gave an overview of the State Trust Land Reform Proposal, dated November 20, 2003, which was distributed to members. (*Please see materials in packet*)

Ms. Hilde gave congratulations regarding the land that can be preserved for environmental issues while making improvements and financial changes. Ms. Hilde hopes that as language becomes available the State Board can take a public step in support of this issue. Dr. Pedicone added that this will add value for education and asked about the community

support. Ms. Kotterman indicated there is a huge financial investment from all groups who are participating as well as a tight commitment. If any one party is unable to support any proposed changes to the package, the group would move away from that package rather than have it picked apart.

D. Presentation and Discussion on Recently Adopted Charter Board Policies, Charter School Sponsorship Transfers and the Charter Board Legislative Agenda and Possible Consideration of Action.

Ms. Kristen Jordison, Executive Director of the State Board for Charter Schools, reviewed the process of reviewing charter schools in their fifth year and updated the Board on the status of charter transfers. In the future, she will brief the Board on the review and follow-up process for the annual financial statement and compliance audit and the process for annually reviewing the progress schools are making toward reaching their academic goals as specified in their charter contracts. Included in the packet for the Board today are:

- Letter and collection document for the five-year review
 - Gathers historical information
 - Gives a vision of the school

Information is also gathered in extensive site visits and other sources such as the Arizona Department of Education test scores, etc. This information provides the schools the opportunity to re-acquaint themselves with the charter contract and to amend it when necessary. The old process focused more on a checklist of compliance items and less on goals. Many items on the previous checklist are monitored on an ongoing basis, such as the annual audit, special education, and compliance with assessments that the need for the five-year review in these areas is not necessary.

Ms. Hilde expressed appreciation for this process and assurance that the information gathered will enable decisions to be made based on facts.

Ms. Jordison updated the transfers:

- At the beginning of the year the State Board of Education was sponsoring 63 charters
- State Board for Charter Schools developed an expedited transfer process with a final due date of December 1, 2003
- State Board for Charter Schools has received 28 applications with 20 being approved to date. Eight applications are going through the compliance review process and likely to be considered by the State Board for Charter Schools meeting in February 2004. If all 28 are transferred, the SBE will have 35 charters under its sponsorship.

Ms. Jordison also updated the Board with the State Board for Charter School's legislative agenda:

- House Bill 2255 expands the disciplinary options available to sponsors of charter schools, allowing sponsors to issue fines and withhold any appropriate portion of state aid for a school that violates local, state, or federal law or any term of the charter contract;
- House Bill 2098 gives the sponsor the ability to charge an application fee.

The State Board for Charter Schools monitors legislation that impacts charter schools and will keep Ms. Farley informed of the State Board for Charter School's position on these issues.

Dr. Diethelm observed that the Charter Board's oversight of schools has been outstanding. Motion by Dr. Diethelm to approve the State Board for Charter School's policies

applicable to the State Board of Education sponsorships with regard to five-year reviews. Seconded by Dr. Pedicone. *Motion passes.*

Ms. Farley brought up the issue of taking a Board position of continuing to support the moratorium on sponsoring additional charter schools by this Board and, to maintain the IGA with the State Board for Charter Schools as recommended in the Governor's budget. Motion by Dr. Diethelm to continue the moratorium on sponsorship of charter schools by this Board in favor of oversight by the State Board for Charter Schools. Seconded by Dr. Pedicone. *Motion passes.*

E. Presentation and Discussion Regarding Nutrition Policy and Consideration to Approve Award of the 2003 Team Nutrition Grant.

Ms. Holly Mohr, Program Director, School Nutrition Program, Arizona Department of Education, presented the mission of a state coalition, which has been established to assist schools in addressing childhood obesity. The ADE continues to work with the state coalition to:

- Increase the number of stakeholders involved in this effort,
 - Revise the nutrition policy into a more comprehensive, healthy school environment model, and
 - Equally address food choices at school, physical activity and nutrition education.
- Revisions of the Nutrition Model are in draft #9. The tenth and final version, which is to be released in March 2004, is the model which schools will implement under this competitive federal grant. Today's presentation is to announce the receipt of that grant as well as to outline the ongoing activities that are being done as part of the grant requirements. Funding was available to eight schools although thirty schools volunteered to be a pilot in this study. A selection committee was engaged to assist in this process.

The highest scoring and therefore selected 2004 Team Nutrition Grant Recipients are:
Elementary:

1. Harriet Johnson Primary School- Tucson Unified School District
2. Stanfield Elementary School - Stanfield Elementary District #28
3. Bouse Elementary School - Bouse District
4. Monte Vista Elementary School - Creighton School District

Middle School/High School:

1. Madison Park School- Madison School District #38
2. Catalina Magnet High School- Tucson Unified School District
3. Vista Alternative High School- Yuma Union High School District
4. Mountain Trail Junior High- Paradise Valley Unified School District

The pilot will officially begin in Fall 2004 and hopefully will include some fun events with personnel from the Arizona Cardinals to kick off this event. Results from the pilots will be available in January 2005. Both Arizona State University and the University of Arizona have offered to assist the Department of Education with the financial and nutritional evaluation of this grant. In addition, it was noted that all schools involved with this pilot are closed campuses. The department is looking at including open campuses in a subsequent study.

Discussion ensued regarding the types of students' choices that will be monitored, closed versus open campuses, etc. A sub-sample of students at each pilot school may be selected for a 24-hour diet recall to look at the nutritional side. The financial side will determine an increase or decrease in school profits. Ms. Hilde suggested the ASBA should be involved

in the language development process of the model and asked if they had been at the table during development of the final draft of the model. Staff responded “yes.” Dr. Diethelm commented that this issue should finally be up to each school as they analyze their particular needs.

Ms. Elaine Arena, Arena Government Communications, Inc., spoke in support of the pilot program and the need for effective data to be collected. Mr. Phil McDonald, Arizona Soft Drink Association, spoke in support of the concept of the pilot adding that focus also needs to be on physical education, adding open campuses to the study, providing choices to the students and allowing the study to be fair.

Motion by Dr. Diethelm to approve the grant funding for the eight recommended schools to pilot the Child Nutrition Model. Seconded by Ms. Kramer. *Motion passes.*

Dr. Pedicone emphasized that a study will lose its power if at the end of the pilot the evaluations don’t provide the answers that were being sought. Dr. Diethelm suggested that an agenda item providing a progress report be added in approximately 6-8 months. Ms. Basha added that physical activity is also a critical part of keeping children healthy.

Board adjourned for a brief break at 10:45AM.

Board re-convened at 11:05AM

F. Consideration to Determine Non-Compliance with The Uniform System of Financial Records (USFR) Pursuant to A.R.S. §15-272 and Consideration to Withhold State Funds From Piñon Unified School District.

Ms. Epstein presented the background information and recommendations regarding Piñon Unified School District. As of last Friday the required report had not been received by the Auditor General. Piñon Unified School District did not have a representative present to address the Board.

Motion by Ms. Hoover to determine that Piñon Unified School District is out of compliance with the USFR for fiscal years ending June 30, 2002, based on the reports of the Auditor General and to direct the Superintendent of Public Instruction to withhold ten percent (10%) of state funds from Piñon Unified School District until the Auditor General reports that Piñon Unified School District is in compliance with the USFR. Seconded by Dr. Pedicone. *Motion passes.*

Ms. Basha commented it is unfortunate Piñon Unified School District has not sent a representative to address the Board in this matter.

G. Presentation on Status of Littlefield Unified School District's Compliance with the Uniform System of Financial Records (USFR) and Possible Consideration for Action Pursuant to A.R.S. §15-272.

Ms. Epstein presented the background information and recommendations to the Board regarding Littlefield Unified School District. To date, the status review from the Auditor General indicates that Littlefield Unified School District is now in compliance with the USFR and it is appropriate for this Board to return state aid. Ms. Jennifer MacLennan, Counsel for Littlefield Unified School District assured the Board that the District is taking steps to remedy the remaining deficiencies that the Auditor General found in November, including establishment of a conflict of interest file, removal of the use of credit cards by district officials, and other items outlined in the statement. Also attending today were the Governing Board President, Superintendent, and Associate Superintendent for Business Services from Littlefield Unified School District.

Motion by Ms. Hilde to direct the Superintendent of Public Instruction to return state funds that have been withheld from Littlefield Unified School District for USFR non-compliance pursuant to the settlement agreement and prior Board orders, and fund Littlefield Unified School District at 100% of state aid. Seconded by Ms. Kramer. *Motion passes.*

H. Presentation, Discussion and Consideration to Approve English Language Learner Proficiency Standards.

Ms. Moreno reviewed the process used to develop the English Language Learners Standards as outlined in the background information. (*Please see materials in packet*) Ms. Susan Pimentel, nationally acclaimed expert and consultant, produced the first draft of the ELL Standards with her team. Ms. Pimentel also addressed the Board outlining the methods used in formulating the standards, which are aligned to the Arizona K-12 Academic Standards. In addition to these standards there is a focus on vocabulary development, grammar and usage.

Dr. Diethelm asked how teachers apply these standards in their classroom along with all the other standards and how does this relate to language immersion. Ms. Pimentel said a key difference is the ability to evaluate the student for the level he is at rather than the Academic Standards articulated by grade level, and then the materials can be applied to his performance level, moving him up quickly as he progresses. Some teachers could use this as a teaching tool in the classroom. Ms. Hilde commented that she could sense a child-focus as she read the standards, and not solely a content-focus, and that is appreciated.

Comments from the Public:

- Mr. Daniel Barlow, teacher from Chinle Junior High School, spoke in support of the standards because of the impact it will have on his students. Mr. Barlow feels they give a method of achieving the standards that is reasonable and can be met.
- Ms. Marcy Granillo, Language Acquisition Director, Isaac School District, which has a high population of ELL students, spoke in support of the standards and noted that she served on the task force as chair for the West Phoenix area. She commended them on the development process, which allowed time for feedback and writing of the standards.
- Ms. Joan Mason, Phoenix Union High School District, which has a 21% population of ELL students, supports adoption of the ELL standards in that they are comprehensive, they address both the social and academic language needs of the students, they provide a bridge to the Language Arts Standards, and will be helpful to districts in developing curriculum for ELLs. Ms. Mason has the hope that the assessment instrument developed will be effective, very accurate, very easy to administer and very inexpensive so students can be assessed accurately.

Motion by Ms. Hoover to approve the English Language Learner Proficiency Standards for the state of Arizona. Seconded by Ms. Hilde. *Motion passes.*

Superintendent Horne expressed thanks to Ms. Moreno for a very thorough process and Ms. Basha added that this has been a broad-based and participatory project which was handled very well.

I. Presentation and Discussion of NAEP Standards And Testing Including Recommendations from the Alignment Study.

Dr. Paredes presented the background information regarding the Arizona results on NAEP. The difference was noted in how NAEP and the state administer tests and the tool provided by NAEP. Dr. Carriveau also spoke regarding the effort to determine the reason for Arizona's low scores and the differences between NAEP tests and Arizona's tests. Two

items to examine further are:

- Writing standards brought to a higher level for our state assessment
 - Should be articulated by the end of May
- Gaps between performance objectives
 - Are we addressing at the fourth grade level what should be addressed there?
 - Developing new models

Discussion ensued for clarification regarding the NAEP standards, our current standards and how they correlate with NAEP, formatting differences, expectations from NAEP that are not in our standards or is in our standards at a different grade level, and what changes are being recommended. We are not necessarily lacking certain standards, but our standards may need to be re-addressed for alignment. Superintendent Horne explained this is part of the process of continual improvement as the standards are reviewed to reflect what our students know and are able to do. In addition, to involve the teachers, there is a NAEP questions tutorial available on the ADE website which offers information, practice tests, etc. An implementation team is assisting in getting the word out regarding this tool. Ms. Hilde raised a concern regarding Math for 8th grade and higher levels. Dr. Carriveau explained that the lower grades sometimes require math manipulatives but the newly articulated math standards call for an upward spiral, improving on the old 1996 standards and more clearly defining what a student should know by a certain grade level rather than by how many years they have been in school. This is a broad sampling test where no one student will take the entire test, but the samplings that are gathered provide a very comprehensive conclusion of overall students' abilities. *Information item only. No action necessary.*

J. Presentation, Discussion and Possible Consideration To Approve the High School Student Retesting Policy.

Mr. Holm presented the background information. The purpose of this recommendation is to eliminate a student from being counted twice. Dr. Diethelm suggested an additional program of assistance for students who may need remediation before re-taking a test. Superintendent Horne explained that available resources for AIMS remediation are being examined in the ADE at this time.

Motion by Dr. Diethelm to adopt a policy stipulating that students who have already "exceeded the standard" on any subsection of AIMS may not retake that specific subsection of AIMS. Seconded by Dr. Pedicone. *Motion passes.*

K. Presentation and Discussion of AZ LEARNS, Including the Adopted "N Count"

Dr. Ildiko Laczko-Kerr presented the background information regarding the modification to the N count. The N count is applied to the baseline 2000-2001 to determine whether the school is an extremely small school and also in the subject/grade combination evaluation so that if a class does not have a three-year average of 30 students, then that subject/grade is not evaluated toward the overall school's profile. The effect of lowering the N Count covers two areas explained by Superintendent Horne:

- Federal: N=30 based on having to compile sub-group breakdowns at every grade level
- State: no need to disaggregate; we judge the school as a whole

Motion by Dr. Diethelm to approve modification of the Arizona Learns Board policy changing the 30 student N-count currently applied for the Achievement Profile Analysis to 16 students beginning with the 2004 Achievement Profile analysis. Superintendent Horne clarified that this will also provide, if the school requests it, what the profile would have

been retroactively for last year and will be posted on the web site for information only. Motion seconded by Ms. Kramer. *Motion passes.*

L. Presentation and Discussion of Arizona Science Academic Standards Articulated by Grade Level.

Ms. Kathy Kay presented the background information with Mr. Bryan Doyle. The draft contains a fair, rigorous, scientific course of study defined by grade level. A draft was created using the existing standards and current research from highly regarded national science organizations, including:

- National Research Council (NRC)
- National Science Education Standards (NSES)
- American Association for the Advancement of Science (AAAS)
- National Assessment of Educational Progress (NAEP)

Beginning February 1, 2004, the draft will be posted on the ADE web site with six public hearings to be held throughout the state. In addition, community meetings will be held to include:

- Arizona Business Education Coalition (ABEC)
- Arizona Council of Engineering and Scientific Society (ACCESS)
- Arizona Science Coordinators Association (ASCA)

Feedback from these committees will be submitted to the Science Committee for review and consideration. Based on recommendations, further refinements may be made to the draft. The final draft will be presented to the State Board in April 2004.

Dr. Diethelm asked if these standards have higher or lower expectations than other states?

Ms. Kay's opinion is that we have exceeded the majority of the states because of the resources used and the way the committee was trained.

Information item only. No action necessary.

M. Presentation, Discussion and Update Regarding the State-Mandated Testing Policy/Embedded AIMS and the RFP and Possible Consideration to Approve Implementation Schedule.

Mr. Holm, Policy Analyst, Arizona Department of Education, presented the AIMS DPA format and acknowledged the concerns expressed by various stakeholders. ADE staff has identified and thoroughly investigated the risks and benefits associated with this format. As a result of this investigation and research, the expectations have been exceeded and the expected results of the AIMS DPA clearly outweigh any concerns.

Dr. Carriveau presented the research results indicating the scoring will demonstrate a perfect correlation between the long and short form. A second way to see how the test functions, is the grade curve, which also demonstrates a perfect correlation between the two methods.

Mr. Holm discussed the timeline for implementation in Spring 2005. This format will not affect accountability but in fact will assist in staying within federal law. Further discussion ensued regarding the interpellation method between grade levels as it correlates to the timeline established to meet the standards for each tested grade level.

Superintendent Horne explained that as the tests were developed and requirements set by the Department, it also gave states a reasonable amount of time to develop the tests for the grade levels by a certain date. Then, on that date, the testing starts at all grade levels. At that time, it would not be appropriate to make further changes, since a reasonable amount of time had already been given to develop the tests. The federal date by which states must have all grade level tests ready is 2006. Our process, however, is to start the tests in 2005

for grades 3-8, which provides:

- a good head start,
- students an opportunity to come up to the rigor that has been set, and
- accomplish as much of the beginning process prior to '06 due to the uncertainty of federal funding.

Dr. Pedicone expressed appreciation for the availability of staff to answer questions on this issue and provide ongoing information as it develops.

The RFP is currently released and is due back by February 27, 2004.

Members of the Public addressing the Board on this issue:

- John Wright, Vice President, Arizona Education Association, and a teacher from Window Rock, commended the staff on their work and expressed support on behalf of the AEA. It is important to acknowledge the timeliness of receipt of the data from vendors as well as its accuracy, which can build confidence within each district as well as assist in districts' planning processes.
- Susan Carlson, Executive Director, Arizona Business and Education Coalition, thanked the Superintendent for presenting at the last ABEC meeting regarding this process. Communication, timeliness of the data received from the vendor, and how the data will be used are important pieces to "staying the course." ABEC also has an event planned for the community to assist in understanding this process.

Superintendent Horne expressed appreciation for the opportunity to clarify the Board's recommendation of total implementation in 2005. The results from a combination of two tests is not justified in making students take two weeks of tests when the same information can be derived from one test.

Motion by Superintendent Horne to approve a Spring 2005 implementation for the full AIMS Dual Purpose Assessment administration. Seconded by Dr. Pedicone.

Dr. Diethelm asked that as the current information from testing is used for diagnostic and teaching information, whether the new test data will be in the hands of the teachers in the same timeframe or sooner. Dr. Carriveau stated that the specified timeline of return is 10-30 days and those who bid in the RFP will have to demonstrate how they will accomplish this. Dr. Diethelm expressed his concern that this may not be the case and maintains that a pilot implementation in 2005 and fullscale implementation in 2006 is the more prudent course to take.

Ms. Hilde, while she supports the implementation in 2005, would be more comfortable taking the vote after the RFP has been received and companies have stated how they will meet the 30-day deadline and any other requirements specified in the RFP.

Superintendent Horne amended the motion to make it contingent on the responses to the RFP meeting the full conditions and that if there are any problems in this regard, he will bring it back for consideration.

Superintendent Horne also reminded the Board that the contract with Harcourt was extended for a year so if we continue with Harcourt, we would go from Stanford 9 to Stanford 10 and if we don't go with Harcourt, we would go to a different norm referenced test. Experience shows that when this is done scores decline by 2-7 points. That would happen whether or not we undertake the DPA. This was stated as part of the public record so that if there is a decline next year, assuming the Board passes this motion, it is not blamed on the DPA. Dr. Carriveau clarified that changing the form or re-setting the norm would both have this effect. In the AIMS DPA, the tests will be rotated. Mr. Holm pointed out that a strong vote of confidence from the Board is very crucial to the implementation of this program.

Ms. Basha re-read the motion as follows: Move to approve the Spring 2005 implementation for the full AIMS Dual Purpose Assessment administration contingent to the response to the RFP meeting all conditions, with any concerns to be brought back to the Board for reconsideration. *Motion passes with one dissenting vote by Dr. Diethelm.*

Ms. Basha and Superintendent Horne expressed thanks for the work within the Department and the Board to accomplish this task.

Board broke for lunch at 12:35PM

Board re-convened at 1:15PM

N. Presentation and Discussion Regarding Adjusting the AIMS 8th Grade Math Cut Scores.

Dr. Carriveau presented the background information explaining that with the rigor still present, this was a simple fix to adjust the scale. Determining how many items equate to 500 points is done after the operational test is given, which happened in 1996, 2000 and will happen again in 2005 with the new scale. Teachers decide which behaviors students need to demonstrate to say they are meeting a certain standard. These calibrated items are ordered by difficulty, and the teachers make the decision as to where the cut falls to indicate far below, approaches, meets and exceeds. In 2005 we will have a well-designed assessment and the process will be much easier. For 2004-2005 new cut scores will be made since 3rd and 5th grades match at the district level but not at the 8th grade level.

Dr. Pedicone wanted to clarify for the public's perspective that this is making the score more accurately reflect the student's work at the 8th grade level. This is not an effort to lower the bar. The tests, standards, and expectations of the students remain the same, but the correction is being made so the students' achievement will be shown from year to year. Superintendent Horne explained that the same student that scores at a high level in 3rd and 5th, a low level in 8th, and high again in high school, indicates an error in the 8th grade scoring mechanism. In going to a new system, there will not be a comparison with previous years.

Dr. Pedicone reiterated that acknowledging a problem exists is necessary and asked whether an effort is being made to correct this issue by making a better test which will better reflect what the student can actually do. Dr. Carriveau responded that the scoring is not adequate since it does not reflect the best cut score.

Ms. Basha reminded the Board that this presentation was for information and discussion only, will be revisited, and recommended that members talk to those necessary for information to be prepared to vote on this issue next month.

O. Presentation, Discussion and Consideration to Approve Additional Technology-Assisted Project Based Instruction Programs (TAPBI).

Ms. Farley presented background information regarding this program and stated that there were two openings still available for participation this year. The application process was re-opened in October and two applications were received that meet the qualifications:

- Lake Havasu Unified School District
- Marana Unified School District

Notes from the scoring committee were also included in the materials given to the Board. It was noted that home schooled children are not eligible to receive state aid, so services can be provided to them, but they cannot be counted toward state aid. Presentations from representatives of the applicant schools were:

- Barbara Goodwin, Lake Havasu Unified School District. Their purpose in

participating in this grant is to create an alternative virtual learning environment for their students. They are partnering now with Link on Learning, piloting a platform K-5 and resource program.

- Alice Murphy, Associate Principal, Marana High School and Renee Meyers, Alternative Education Coordinator, Mountain View High School. Marana will partner with Mesa Public Schools to offer high quality interactive online courses.

The courses will target:

- Students who need to make up credits for graduation
- Homebound and chronically ill students
- Home schooled students
- Fifth year seniors

A complete orientation will be provided for students and parents addressing courses, tests, weekly time sheets, etc.

Motion by Dr. Diethelm to approve Lake Havasu Unified School District and Marana Unified School District to participate in the TAPBI program. Seconded by Dr. Pedicone.
Motion passes.

P. Update Presentation on Certification Task Force.

Ms. Wiebke gave an update and summary of the activities of the Certification Task Force including reports from the last meeting:

- Tiered Certification Sub-Committee desires to create three levels of certification
 - Initial – 4 requirements
 - Institutional recommendations
 - Valid out-of-state teaching certificates
 - Completion of a teacher preparation program including student teaching
 - Course-by-course evaluation to determine eligibility
 - Standard
 - Excelling
 - Tests given in Arizona might be waived with like exams from other states
 - Performance Assessment
- Renewal Sub-Committee
 - Requirement remains the same at 180 clock hours of professional development or 12 semester hours of coursework to renew a certificate
 - Each teacher creates a professional development plan that is standards-based that coincides with a school-site plan
 - Owned by the teacher and made by the teacher
- Administrative Certificates
 - Define educational administration
 - Can counselors/school psychologists qualify for administrative certificate?
 - Will three years' teaching experience be required for a superintendent certificate?
 - Take a closer look at the Administrative Standards-they feel they are not aligned with the expectations of administrators. Should align with Interstate School Leaders Education Consortium (ISLEC) standards.
 - Out of state applicants
 - Principal:

- Valid certificate and demonstrated three years of successful experience, not required to take exam
 - Require them to take a course in school law
- Superintendent
 - CEO status and possibly an alternative certificate
- Alternative paths to certification

Ms. Wiebke forwarded a request from this working group, seeking clarification from Superintendent Horne and the State Board of Education as to what constituents believe might be barriers to becoming a teacher in Arizona. A meeting on February 13 of a sub-group will work on clarifying and defining barriers and defining alternative paths. This will be reported to the full working group on February 19.
- Reciprocity
 - Teachers from out of state with less than 3 years' experience have to show their certificate, get fingerprint clearance and passing scores on professional knowledge and subject knowledge portions of the AEPA, as well as the Arizona constitution;
 - Teachers with more than 3 years' experience have to show the current certificate and fingerprint clearance. Currently AEPA professional knowledge test is waived and subject knowledge portion would be waived if a subject matter portion of another state's test was passed;
 - For applicants who have been teaching for a long time and these tests were not in place, content knowledge could be demonstrated through the requirements as defined by our HOUSSSE rubric; and
 - Arizona and U.S. Constitution.
- Administrative Reciprocity – No report yet
 - Workshop on February 19, 20, 2004, to define and include a larger group of stakeholders.

Ms. Farley added that the Alternative Certification Committee is currently attempting to collect all the current paths available to individuals who want to be certified. Prior to the February 13 meeting, if members will forward any information regarding their thoughts on barriers and possible alternative paths, Ms. Farley will pass this on anonymously to the committee. *Information item only. No action necessary.*

Q. Status report on C.I. Wilson Academy Charter School Consent Agreement and Possible Consideration for Action.

Ms. Jordison reviewed the status of the compliance agreement with C. I. Wilson Academy Charter School. All requirements have been met as scheduled, however, the current financial reports have raised some questions. The State Board for Charter Schools is waiting for a letter of assignment of an auditor; the completed audit is due March 31, 2004. The organizational chart provided in December 2003 no longer represents the current status of the organization as several members on the chart are no longer employed by C. I. Wilson Academy Charter School. They are also currently on programmatic hold and are not eligible to apply for additional grants. Another school in this charter has closed and it is being determined if money is due back to the state for that school.

Mr. Wilson introduced Mr. Condos, legal counsel for C. I. Wilson Academy and asked him to address the Board. Mr. Condos explained that pursuant to the Consent Agreement, reports were due to the Board this January and to that effect, the letter they put together is

indication that they are in compliance with that request. Mr. Condos continued to explain the processes that are being followed to bring C. I. Wilson Academy into compliance and meet all deadlines.

Ms. Epstein disagreed with Mr. Condos regarding the agreement of the ADM payback. Once an amount had been negotiated and a re-payment plan has been agreed upon, there was no effort, intention or statement by this Board that would suggest modifying. There is a documentation component to the other agreement that follows from the January 1 date set forth here, but Ms. Epstein wanted to make it clear to the Board, Mr. Wilson, and to Mr. Condos that this in no way changes the consent agreement.

Ms. Farley reiterated the agreement with C. I. Wilson requiring reports to be submitted on December 15, 2003 and January 15, 2004. It should be noted that some of the reports received have generated additional questions, which are in the process of being clarified. A question raised by this Board is the total number of students attending all of these schools. The financial audit also raised concerns, which continue to the present time. Does the Board want more information at this time, or does the Board want to direct the State Board for Charter Schools to wait for the March report? Another issue is the grants to the schools sponsored by the State Board for Charter Schools. Eventually these schools will all come under one charter, sponsored by this Board after March. It was also noted that the ADE Special Education Unit is currently withholding funds from C. I. Wilson Academy after it was put on federal programmatic hold. C. I. Wilson is required to submit an "Agreed Upon Procedures" report by March 31, 2004, as well as the March audit required in the Consent Agreement. As a matter of concern, we do not have a letter of engagement for an auditing firm to date. We hope to have more information at the February 2004 Board meeting.

Mr. Condos assured the Board that an auditor has been contracted and the report should be on track.

Ms. Basha asked what happened to the three individuals who were C. I. Wilson's sub-committee that met with the State Board sub-committee. Mr. Wilson responded that there was a separation agreement with the three individuals and he felt it was not appropriate to say more than that.

Ms. Bittner asked if there is a definite date by which C. I. Wilson Academy must be in total compliance. Ms. Farley responded that they must comply with all terms spelled out in the Consent Agreement. To date those documents have been submitted, but there are outside programmatic issues that they are currently not in compliance with, and that normally, if continued for a period of time, the recommendation for disciplinary action would be brought to this Board. All these components are being looked into at this time.

Superintendent Horne reiterated that the certified audits, due in March, is the deadline and that this deadline will be strictly enforced.

Ms. Farley clarified that a potential issue is that C. I. Wilson Academy could possibly be back before the Board at a later date especially regarding the special education compliance issues and a report is expected next week with a follow-up site visit from the Department. It is relevant to wait for those two actions to occur prior to bringing a recommendation to this Board. Normally when one is out of compliance with federal IDEA, staff will bring a recommendation for action to the Board.

Dr. Diethelm encouraged Mr. Wilson and Mr. Condos to look at all the details of the Consent Agreement, making sure they are in front of and in compliance with all requirements. He encouraged them to rely on Ms. Jordison as their mentor and helper as well as judge, making sure the terms are carried out quickly, in advance if possible, and in all details. The Board wants C. I. Wilson Academy to succeed, demonstrate its success, and

if the terms are not met, the Board has to put them out of business.

Mr. Condos assured the Board that his office has put together a timeline which has been forwarded to the school outlining all the items and due dates. To date, no issue has been received in his office regarding any report submissions, so there may be some contact with the school that has not come to his office. Hopefully when they come back to the next Board meeting, all questions will be answered.

R. Presentation, Discussion and Consideration to Approve Notice of Final Rulemaking for R7-2-405, R7-2-407, R7-2-610 and R7-2-620 Regarding Exceptional Student Services, Including Administrative Hearings, Educational Interpreters and Braille Literacy.

Note: An interpreter was requested and retained for this item with the understanding that this item would be discussed at approximately 1:00PM upon arrival of the interpreter. The individual requesting the interpreter was not present. However, the interpreter remained in the meeting and available throughout the completion of this item. This item was discussed when the meeting re-convened at 1:15PM.

Ms. Farley presented the history of this rule beginning last January with the first ESS Rules package. At that point one item was removed to collapse the due process into a single tier. This section of the rules has been through the Special Education Advisory Panel for their review, input and adoption for support. Two other issues have also been addressed in this package:

- Braille literacy rules
- Qualifications for teachers who are teaching visually impaired, for Braille to be the assumed standard of knowledge for visually impaired students. This is statutorily required by 1997 Legislation. The group that gave input in this regard included:
 - Foundation for the Blind
 - University of Arizona
 - Northern Arizona University
 - Arizona State University
 - Arizona Council for Exceptional Children
 - Textbook publishers

Dialogue continues in this ongoing project as a nationally accepted format for Braille or large print is determined. Our rules are drafted in such a way as to accept the national format once it is decided. Until that time, we have adopted a standard to be used.

- Educational interpreters for the hearing impaired. In 2000 the Certification Advisory Board heard issues for certification, reform and changes. This group recommended a process for certification of educational interpreters. While the Board has the ability to set qualifications for others in the educational arena, our only ability is for certification for teachers and administrators, not educational interpreters. This rule sets minimum qualifications yet gives the ability to the school district to hire a person less qualified while putting that person on a professional development plan.

It is felt that this is a good compromise within the field while the School for the Deaf and the Blind continues to collect data on the qualifications of our educational interpreter currently. A public hearing was held on this rules package with the majority of discussion about the minimum education qualifications that were being established. It was felt that a high school degree or GED, and passing one of the sign language tests for certification was not sufficient. Therefore, Ms. Farley asked attendees to email her their input regarding whether this made it necessary to delay setting the minimum qualifications or whether to move forward with the rules package. The unanimous responses received were in favor of

moving forward and were looking forward to additional dialogue.

Ms. Farley requested moving forward with notice of final rulemaking were forwarded to the Attorney General's office, putting us in compliance with the 1997 statutory requirements regarding Braille literacy and single-tiered administration process for special education and establishing minimum qualifications for educational interpreters.

Motion by Dr. Diethelm to approve the notice of final rulemaking for R7-2-405, R7-2-407, R7-2-610, and R7-2-620 regarding exceptional student services with the revised definition of a "504 accommodation plan" as described and presented by Ms. Farley. Seconded by Ms. Hoover. *Motion passes.*

Ms. Farley clarified that changes have been made to the "504 Accommodation Plan" definition to reflect the federal law.

S. Presentation, Discussion and Consideration to Approve Notice of Proposed Rulemaking for R7-2-1116 Regarding Alternative Project Delivery Methods for Procuring School Construction Pursuant to A.R.S. §15-213(J).

Ms. Farley reported that the rules were reviewed by the Board in November and now are ready to be formally submitted to the Secretary of State's office. Outside expertise was utilized in reviewing these rules including:

- Gary Aller, ASU
- Scottsdale USD
- Deer Valley USD
- Chandler USD
- Pendergast ESD
- School Facilities Board
- Design Build Company
- City of Phoenix
- Arizona Builders Alliance

To the best of the ability of this staff and with the School Facilities Board, the contacts have been exhausted to develop appropriate rules for alternative project delivery methods. There were some models from other states, of which Oregon's was used, however there are no state procurement rules in this area for other state agencies to utilize. We expect a bigger public response on these rules than we have received on other rules packages once it is put out for public review. We look forward to input and modifications to bring consistency in the rules before they are brought back to the Board for final approval.

Motion by Dr. Diethelm to approve Notice of Proposed Rulemaking for R7-2-1116 Regarding Alternative Project Delivery Methods for Procuring School Construction Pursuant to A.R.S. §15-213(J). Seconded by Ms. Bittner. *Motion passes.*

T. Presentation and Discussion of Priority and Critical Issues for the State Board of Education in 2004, Including Proposed Timelines for Addressing These Issues.

Ms. Farley presented the updated timeline pursuant to discussion and input at the Retreat, including responses received from members of the Executive Team and issues brought by the Governor for the Board to address. The purpose of re-aligning the timeline is to address the priorities and space out some of the critical issues that are forthcoming. There should be further dialogue regarding the Study Sessions as well as the out of town Board meetings that have been discussed. This can be a great communication tool to highlight the issues that are before the Board over the next year.

Dr. Pedicone noted that "AIMS" should be changed to "DPA" wherever it appears in the public document.

Ms. Basha reiterated that the Critical Issues Timeline will set the direction for the work of the Board for the coming year.

Members were urged to let Ms. Farley know of any missing items and/or information that should be included. *Information item only. No action necessary.*

8. ELECTION OF BOARD OFFICERS

Motion by Ms. Hoover to retain the present officers for the coming 2004 year: Ms. Basha as President and Dr. Diethelm as Vice President. Seconded by Ms. Kramer. *Motion passes.*

9. ADJOURN

Meeting adjourned at 3:30PM